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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,921	11/09/2000	Rick Allen Hamilton II	AUS9-2000-0561-US1	5545
35525	7590	03/11/2004	EXAMINER	
DUKE W. YEE CARSTENS, YEE & CAHOON, L.L.P. P.O. BOX 802334 DALLAS, TX 75380			DUONG, THOMAS	
			ART UNIT	PAPER NUMBER
			2143	4
DATE MAILED: 03/11/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/710,921

Applicant(s)

HAMILTON ET AL.

Examiner

Thomas Duong

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Blelloch et al. (US006434590B1).
4. With regard to claims 1, 11 and 21, Carter reference discloses,
 - *scheduling execution of said plurality of commands in said environment in a programming order, a first one of said plurality of commands in said order beginning and completing executing prior to a second one of said commands in said order beginning executing, wherein said plurality of commands are executed sequentially in said programming order.* (Blelloch, abstract; col.1, lines 5-9, lines 12-15, lines 18-48, lines 51-63; col.2, lines 29-60; col.2, line 61 – col.3, line 8)
5. With regard to claims 2-4, 12-14 and 22-24, Carter reference discloses,
 - *encapsulating said first one of said plurality of commands in a first process and encapsulating said second one of said plurality of commands in a second process; beginning processing of said first process;* (Blelloch, abstract; col.1, lines 5-9, lines 12-15, lines 18-48, lines 51-63; col.2, lines 29-60; col.2, line 61 – col.3, line 8; col.3, line 46 – col.4, line 20; col.4, lines 21-59; col.6, line 60 – col.5, line 21; module 520, fig.5; fig.6-8)
 - *executing said first one of said plurality of commands in response to said beginning processing of said first process, wherein said first one of said plurality of commands executes only while said first process is executing; and beginning processing of said second process only in response to a completion of processing of said first process.* (Blelloch, abstract; col.1, lines 5-9, lines 12-15, lines 18-48, lines 51-63; col.2, lines 29-60; col.2, line 61 – col.3, line 8; col.3, line 46 – col.4, line 20; col.4, lines 21-59; col.6, line 60 – col.5, line 21; col.8, line 60 – col.9, line 11; module 514-518, fig.5; fig.6-8)

6. With regard to claims 5-10, 15-20 and 25-30, Carter reference discloses,
- *further comprising the step of determining whether said first process is currently executing.* (Blelloch, abstract; col.1, lines 5-9, col.9, lines 14-40; col.10, lines 35-64; col.13, lines 46-65; col.14, lines 21-42; fig.5-8)
 - *establishing a return code variable; and utilizing said return code variable to indicate whether said first process is currently executing.* (Blelloch, abstract; col.1, lines 5-9, col.9, lines 14-40; col.10, lines 35-64; col.13, lines 46-65; col.14, lines 21-42; fig.5-8)
 - *assigning a first process identifier to said first process; and utilizing said first process identifier to determine whether said first process is currently executing.* (Blelloch, abstract; col.1, lines 5-9, col.9, lines 14-40; col.10, lines 35-64; col.13, lines 46-65; col.14, lines 21-42; fig.5-8)

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Carter et al. (US004800521)
 - Haupt (US006334159B1)
 - Fiebig et al. (US005008805)
 - Yorimitsu (US006173339B1)
 - Kling et al. (US006662203B1)
 - Bender et al. (US006112221A)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 703/305-1886. The examiner can normally be reached on M-F 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703/308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900.

Thomas Duong (AU2143)

March 7, 2004


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100